

PROB 12C
(NEP 4/2013)

SEALED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Petition for Warrant or Summons for Offender Under Supervision

Offender:	Larry Brye	Docket No. 8:17CR00273
Type of Supervision:	Supervised Release	Date of This Report: August 19, 2020
Sentencing Judge:	The Honorable Robert F. Rossiter, Jr. U.S. District Judge	
Offense of Conviction:	User in Possession of Firearm 18 U.S.C. 922(g)(3) and 924(a)(2)	
	Date Sentenced: June 8, 2018	
	Original Sentence: 24 Months Bureau of Prisons; 36 Months Supervised Release	
Supervision Term:	October 15, 2019 through October 14, 2022	
Prepared By:	Assistant U.S. Attorney:	Defense Attorney:
Theresa Rerucha	Matt E. Lierman	William J. Pfeffer
U.S. Probation & Pretrial Services Officer		

PETITIONING THE COURT

The undersigned probation officer recommends that a Warrant be issued for service upon Larry Brye and that a hearing be held by the Court to determine whether the offender has violated the conditions of supervision as set forth in this report and to determine whether the offender's supervision should be revoked or continued, modified, and/or extended based on the alleged violations. A Warrant is requested as Larry Brye is considered dangerous. Larry Brye is considered dangerous due to being in possession of firearms. Larry Brye is currently in the custody of Douglas County Corrections.

Larry Brye
Petition for Warrant or Summons

August 19, 2020
Page 2 of 4

The probation officer believes the offender has violated the following conditions of supervision:

- | <u>Allegation No.</u> | <u>Nature of Noncompliance</u> |
|------------------------------|---|
| 1 | <p>Larry Brye is in violation of the Mandatory Condition which states, "You must not commit another federal, state, or local crime."</p> <p>On August 19, 2020, the Greater Omaha Safer Streets Task Force conducted a search of the residence of Larry Brye (4527 Hamilton Street), as a result of an ongoing investigation into drug distribution. According to Sgt. Laurie Long with the Omaha Police Department Gang Unit, the following items were seized during this search: Taurus G2C 9mm firearm; Smith & Wesson M&P 45 caliber firearm; 95.71 grams of marijuana; 50.85 grams of a "white powdery substance, potentially coke, fentanyl, or heroin"; 25 grams of a "blue powdery substance, potentially a crushed up fentanyl pill"; and 25 grams of a "brownish/orangish golf ball sized substance, potentially THC wax or other unknown controlled substance".</p> <p>Larry Brye was charged with resisting arrest, 2 counts of Possession of a firearm by a prohibited person, Possession with intent to distribute cocaine, and Possession of a firearm while distributing and obstructing.</p> <p>On August 19, 2020, U.S. Probation contacted U.S. Attorney Jody Mullins who advised the U.S. Attorney's office intends on presenting evidence to the grand jury this week to obtain an indictment for new criminal charges against Larry Brye.</p> <p>If the Court finds the offender has violated this condition, which is a grade A or B violation, revocation is mandatory.</p> |
| 2 | <p>Larry Brye is in violation of the Mandatory Condition which states, "You must not unlawfully possess a controlled substance."</p> <p>On August 19, 2020, the Greater Omaha Safer Streets Task Force conducted a search of the residence of Larry Brye (4527 Hamilton Street), as a result of an ongoing investigation into drug distribution. According to Sgt. Laurie Long with the Omaha Police Department Gang Unit, the following items were seized during this search: Taurus G2C 9mm firearm; Smith & Wesson M&P 45 caliber firearm; 95.71 grams of marijuana; 50.85 grams of a "white powdery substance, potentially coke, fentanyl, or heroin"; 25 grams of a "blue powdery substance, potentially a crushed up fentanyl pill"; and 25 grams of a "brownish/orangish golf ball sized substance, potentially THC wax or other unknown controlled substance".</p> <p>If the Court finds the offender has violated the conditions of supervision by possessing a controlled substance, the Court shall revoke supervision and impose a sentence which includes a term of imprisonment."</p> |
| 3 | <p>Larry Brye is in violation of Standard Condition #10 which states, "You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).</p> |

Larry Brye
Petition for Warrant or Summons

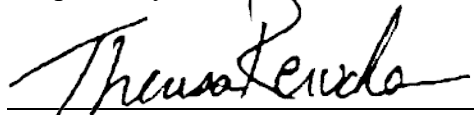
August 19, 2020
Page 3 of 4

On August 19, 2020, the Greater Omaha Safer Streets Task Force conducted a search of the residence of Larry Brye (4527 Hamilton Street), as a result of an ongoing investigation into drug distribution. According to Sgt. Laurie Long with the Omaha Police Department Gang Unit, the following items were seized during this search: Taurus G2C 9mm firearm; Smith & Wesson M&P 45 caliber firearm; 95.71 grams of marijuana; 50.85 grams of a "white powdery substance, potentially coke, fentanyl, or heroin"; 25 grams of a "blue powdery substance, potentially a crushed up fentanyl pill"; and 25 grams of a "brownish/orangish golf ball sized substance, potentially THC wax or other unknown controlled substance".

If the Court finds the offender has violated the conditions of supervision by possessing a firearm, the Court shall revoke supervision and impose a sentence which includes a term of imprisonment."

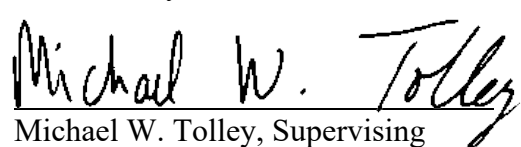
I declare under penalty of perjury that the forgoing is true and correct.

Respectfully submitted,



Theresa Rerucha
U.S. Probation and Pretrial Services Officer

Reviewed by:



Michael W. Tolley, Supervising
U. S. Probation and Pretrial Services Officer

Larry Brye
Petition for Warrant or Summons

August 19, 2020
Page 4 of 4

THE COURT ORDERS THAT:

_____ No action shall be taken.



_____ A Warrant shall be issued for service upon Larry Brye and a hearing held by the Court to determine whether Larry Brye has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

_____ The U. S. Probation Officer shall summons Larry Brye to appear for a hearing in court to determine whether Larry Brye has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

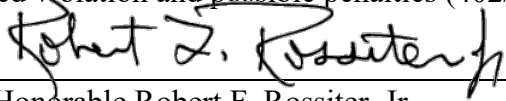
_____ The following action to be taken (specify other action):

If a warrant is issued, the petition shall not be sealed and the following action shall be taken (specify other action).

_____ A Writ of Habeas Corpus Ad Prosequendum shall be issued and the defendant brought before the U.S. Court for an Initial Appearance on this matter.

_____ The Federal Public Defender is appointed to represent the above named defendant in this matter. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline the appointment for reasons of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

The defendant may contact the Office of the Federal Public Defender for the District of Nebraska regarding the alleged violation and possible penalties (402/221-7896).



The Honorable Robert F. Rossiter, Jr.
U.S. District Judge

August 19, 2020

Date

*** * * NOTICE TO OFFENDER * * ***

Pursuant to the Federal Rules of Criminal Procedure 32.1(b)(2) you are entitled to:

- (A) written notice of the alleged violation(s);**
- (B) disclosure of the evidence against you;**
- (C) an opportunity to appear, present evidence, and question adverse witnesses unless the court determines that the interest of justice does not require the witness to appear;**
- (D) notice of your right to retain counsel or to request that counsel be appointed if you cannot obtain counsel.**